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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,508	12/26/2000	Robert H. Willis	BS99-184	9790

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EXAMINER

KRAMER, JAMES A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,508

Applicant(s)

WILLIS ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 states that the dispatch division receives a first report of a first malfunction and a second report of a second malfunction, indicating two separate and distinct malfunctions. The claim goes on to state that the company determined that the first malfunction was the cause of both reports, indicating that there was not a second malfunction. These two limitations contradict each other and render the claim confusing. Applicant should modify the wording of the claim in order to more distinctly claim the invention.

For the purpose of compact prosecution the office will interpret the claim to mean that the first malfunction was the cause of the second malfunction and hence the cause of the second report.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8 and 10-11 as interpreted by the office are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of prior art in view of Bunte et al.

In the specification applicant discloses a prior art system for reporting and billing on damage to company property consisting of a dispatch division adapted to receive a report of a malfunction of company property (page 2, line 19) and dispatch a technician to the scene (page 3, lines 3-4) or in some cases multiple technicians in response to multiple reports (page 5, lines

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20-22). The technician diagnoses the report of a malfunction and collects data related to the report (page 3, lines 3-6). The company then uses this information to send out another technician (page 6, line 3-8) or generate a bill (page 6, lines 14-17).

The system disclosed by the applicant as prior art does not teach a technician collecting data from a remote location over a wireless network, where the network allows communication between various organizations within the company. Bunte et al. teaches a wireless data collection, communication and processing system (column 4; lines 55-59). The system of Bunte et al. allows for data communications between multiple operators and nodes in the communications network (column 9; lines 61-63). It would have been obvious to anyone skilled in the art at the time of the invention to utilize the system of Bunte et al. in the prior art system disclosed by the applicant in the specification in order to allow the technicians to electronically collect data on site (i.e. from remote locations) and then report on and communicate the data in real time.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of prior art in view of Bunte et al. as applied to claims 1-3, 5-8 and 10-11 and 13-16 above, and further in view of Schlect et al.

Applicant's disclosure of prior art in the specification in view of Bunte et al. (described in detail above) does not teach a system that automatically generates a bill. Schlect et al. teaches a electronic bill consolidation and presentation system. The system of Schlect et al. takes billing information from a labor-dependent service, verifies its accuracy and then presents it to the customer in a computer-viewable format. (column 21; lines 44-60). It would have been obvious to anyone skilled in the art at the time of the invention to utilize the system of Schlect et al. in the prior art system disclosed by the applicant in the specification in view of Bunte et al. in order to utilize the efficiencies generated by the wireless communication system of Bunte et al. and to greatly reduce the time-consuming and manual process of bill generation and presentation.

Claims 12 and 17 as interpreted by the office are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of prior art in view of Schlect et al.

In the specification applicant discloses a prior art system for reporting and billing on damage to company property consisting of a dispatch division able to receive reports on malfunctions to company property (page 5, line 17-20), dispatch division able to send

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technicians to the scene in response to these reports (page 5, lines 20-22), the company determining that one malfunction caused both reports (page 6, lines 1-2) and the company issuing a bill based on any work needed in order to repair the system (page 6, lines 15-18).

The prior art disclosed by the applicant does not teach preparing a bill based on the work of all the technicians involved in the repair. Schlect et al. teaches an electronic bill consolidation system where a bill is generated by consolidating at least some of the billing information pertaining to a plurality of service providers. It would have been obvious to anyone skilled in the art at the time of the invention to utilize the system of Schlect et al. in the system disclosed by the applicant in order to collect and consolidate billing information from a plurality of technicians who are sent out based on a report of a malfunction to company property.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of prior art in view of Schlect et al. as applied to claims 12 and 17 above, and further in view of Bunte et al.

The system disclosed in the specification by the applicant as prior art in view of Schlect et al. (described in detail above) does not teach the technicians providing information over a wireless system. Nor does it teach the technicians inputting information with a laptop computer. Bunte et al. teaches a wireless data collection, communication and processing system (column 4; lines 55-59). The system of Bunte et al allows for data communications between multiple operators and nodes in the communications network (column 9; lines 61-63). The system of Bunte et al. allows for the data collection system to be a portable computer (column 3; lines 5-15). It would have been obvious to anyone skilled in the art at the time of the invention to utilize the system of Bunte et al. in the prior art system disclosed by the applicant in the specification in view of Schlect et al. to allow the technicians to electronically collect data on site (i.e. from remote locations) and then report on and communicate the data in real time.

Response to Arguments

Applicant's arguments filed 11/8/02 have been fully considered but they are not persuasive.

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Applicant asserts that the drawings should not be objected to because the disclosed twisted pairs relate to a logical relationship between various network elements. Based on this argument Examiner withdraws objection to the drawings.

Applicant has not over come the rejection to claim 12 under 35 U.S.C. 112 second paragraph because the amendment Applicant refers to was not submitted.

Applicant asserts the Applicant's disclosure in view of Bunte does not teach the technician providing information in an electronic format. Examiner disagrees because Bunte specifically teaches a method of wirelessly transferring information in an electronic format. In particular Bunte teaches using a tethered laser scanner for data input of optically readable data files (column 7; lines 50-52). Clearly this indicates collecting data in an electronic format.

Applicant asserts that neither the prior art nor Bunte teaches a company refraining from dispatching a second technician in response to information provided by a first technician. Examiner disagrees because this concept is clearly part of the prior art teaching. In support of this position Examiner refers Applicant to page 7; lines 3-4 in Applicant's own specification. In failing to quickly recognize the nature of the problem, a company wastes valuable resources by dispatching three technicians to the scene. In other words, Applicant admits that if the company, using the prior art system could recognize the nature of the problem quicker then it would not need to dispatch multiple technicians. It is therefore inherent to the prior art system that if information were received and processed quicker as a result of using the system of Bunte then a second technician would not be dispatched.

Applicant asserts that the prior art does not teach the company determining that the first malfunction caused both the first and second reports. Examiner disagrees because this concept is clearly inherent to the prior art system. In support of this position examiner respectfully refers Applicant to pages 5 and 6 of the specification. Applicant discloses a single malfunction causing three reports to be phoned in and three technicians to be dispatched. After the three technicians realize that the problem is not within any of the houses the company dispatches a fourth technician to inspect the trunk. Applicant states that the technician will discover the nature of the problem. Clearly indicating that technical or the company will determine this malfunction caused other reports.

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Conclusion

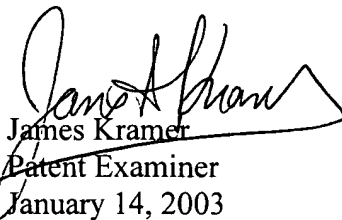
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9123 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


James Kramer
Patent Examiner
January 14, 2003


Kenneth R. Rice
Primary Examiner